

Remarks:

Rejections under 35 U.S.C. § 112

Claims 12-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner asserts that in regard to claims 12 and 20, it is not clear as to where the fastener is attached to the protective mat. The Examiner asserts that Applicant's invention discloses a fastener component on the outer bottom surface of the protective mat at the bottom of the tubular apparatus that connects to a complementary fastener component on a surface where the user attaches the protective mat to a tree stand. The Examiner asserts that Applicant's invention should be clearly claimed as such.

In response, Applicant has amended claims 12 and 20, clarifying that the fastener is attached to the outside of the protective mat. Applicant asserts that addition of the term "bottom" in describing the position on the mat where the fastener is attached is not necessary and may be confusing. Furthermore, Applicant clearly uses the term "outside" in discussing the location of the fastener (Application, Page 6, Lines 6-8), but does not use the term "bottom."

Applicant has also amended claims 12 and 20 by adding a complementary fastener attached to a tree stand base. Applicant believes that these amendments clarify claims 12 and 20, and Applicant therefore respectfully requests withdrawal of the 35 U.S.C. § 112 rejections. Applicant also respectfully requests withdrawal of the 35 U.S.C. § 112 rejections of claims 13, 19, and 21-22, as these claims depend directly or indirectly from claims 12 and 20.

Rejections under 35 U.S.C. § 103

Claims 12, 13 and 20 (and presumably 19) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson (US 1,915,044) in view of Carson (US 4,893,586). Furthermore, claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Carson, and further in view of Hutto (US 5,630,439) or the Campmor New Year 2000 Catalog, page 4-Cherry tree Nylon /Polartec Snow Suit.

In light of these rejections, the Examiner suggests that Applicant amend claim 12, line 7 after “mat” to include – outer surface for securement to a complementary fastener attached to a tree stand – and then in the last line after “surface” to include – of a tree stand platform. The Examiner also suggests that claim 20 be amended in the same fashion.

In response, Applicant has amended claims 12 and 20 by adding “a complementary fastener attached to a tree stand base.” Applicant believes that this amendment, coupled with the above-mentioned amendment, sufficiently conforms to the Examiner’s suggestions. Applicant therefore respectfully requests withdrawal of the 35 U.S.C. § 103 rejections of claims 12 and 20. Furthermore, Applicant has deleted “for securing the closed end of the apparatus to an external surface” since the Examiner has indicated that this recitation is not given any patentable weight.

Applicant also respectfully requests withdrawal of the 35 U.S.C. § 103 rejections of claim 13, 19, and 21-22, as these claims depend directly or indirectly from claims 12 and 20.

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

STEPTOE & JOHNSON PLLC

/Michael B. Pallay/

Michael B. Pallay
Attorney for Applicant
Registration No. 50,230

Date: December 12, 2007

Chase Tower
P.O. Box 2190
Clarksburg, WV 26302
(304) 624-8000